

Judge James L. Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,
v.
BRIAN KEVIN RUBENAKER,
Defendant.)
) NO. CR05-0211JLR
)
) (PROPOSED)
) ORDER TO CONTINUE
) TRIAL
)
)

The Court having reviewed the records and files herein including the stipulated motion to continue the pretrial motions cutoff date and trial date makes the following findings and enters the following Order:

1. Initial plea negotiations began on June 28, 2005. The first proffer session took place on July 8, 2005. This proffer was the first of several steps necessary to evaluate the cooperation offered by defendant. Therefore, additional time is necessary for the government and defendant to meet and confer regarding a pretrial resolution.

2. Due to defense counsel's trial schedule, defendant requires additional time to consider and file any pretrial motions.

3. Absent a plea agreement in this case, the parties require additional time to fully prepare for trial.

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4. The ends of justice outweigh the best interest of the public and the defendant in a speedy trial. That failure to grant a continuance based upon the parties' need to prepare the matter for trial and to ensure that defense counsel is available for trial would result in a miscarriage of justice.

5. The government and defendant have requested and stipulated to a continuance and the defendant has waived speedy trial up to January 10, 2006.

IT IS HEREBY ORDERED that the trial date is continued from October 24, 2005, until January 10, 2006.

DONE this 24th day of October, 2005.



JAMES L. ROBART
United States District Judge

Presented by:

s/David Reese Jennings
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